

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:02-cr-35

v.

HON. JANET T. NEFF

RICHARD LEE BOWDEN,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant Richard Lee Bowden has filed a motion for modification or reduction of sentence (Dkt 145) pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

The defendant is eligible for reduction in sentence, however he is subject to a statutory minimum sentence of 120 months in prison.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 145) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced from 135 months to 122 months imprisonment.

IT IS FURTHER ORDERED that defendant's request for reduction of his term of supervised release is DENIED.

DATED: March 5, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge